

Montana Water Court
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FILED
07/10/2023
Sara Calkins
CLERK
Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
40E-0072-R-2022
McElyea, Russ
18.00

IN THE WATER COURT OF THE STATE OF MONTANA
LOWER MISSOURI DIVISION
MISSOURI RIVER BASIN BETWEEN MUSSELSHELL RIVER
AND FORT PECK DAM – BASIN (40E)
PRELIMINARY DECREE

CLAIMANT: American Prairie Foundation	CASE 40E-0072-R-2022	
OBJECTOR: American Prairie Foundation	40E 12721-00	40E 165166-00
	40E 12723-00	40E 165174-00
	40E 12724-00	40E 165179-00
	40E 12726-00	40E 165679-00
	40E 12733-00	40E 165682-00
	40E 12734-00	40E 165697-00
	40E 12735-00	40E 166574-00
	40E 12739-00	40E 166575-00
	40E 12742-00	40E 166579-00
	40E 12744-00	40E 166582-00
	40E 22397-00	40E 166586-00
	40E 165096-00	40E 166591-00
	40E 165120-00	40E 166592-00
	40E 165124-00	40E 30108502
	40E 165137-00	40E 30129683
		40E 30129754

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, Section 85-2-233(5), Case 40E-0072-R-2022 was assigned to Senior Water Master Eyvind Ostrem. The Water Master filed a Master's Report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the report were served on the parties June 22, 2023. On June 28, 2023, Claimant American Prairie Foundation (APF) filed a Rule 60(a)M.R.Civ.P. Request to Correct Clerical Mistakes Contained in the Master's Report.

Pursuant APF's motion, the following clerical corrections are made to the Master's Report:

1. In Paragraph 10 on Page 7 of the Master's Report regarding claim 40E 12742-00, the originally claimed legal land description for the Point of Diversion is corrected to SWNWSE of Section 11, T23N R31E.
2. In Paragraph 11 on Page 7 of the Master's Report regarding claim 40E 12744-00, Place of Use ID No 1 is corrected to SESWSW of Section 33, T24N, R31E.
3. In Paragraph 18 on Page 10 of the Master's Report regarding claim 40E 165166-00, the Point of Diversion/Place of Use legal land description is corrected to SWSWSW of Section 28, T24N R35E.
4. In Paragraph 33 on Page 17 of the Master's Report regarding claim 40E 30129754, the previously decreed Point of Diversion/Place of Use No. 1 legal land description is corrected to the W2NWNE of Section 33, T24N, R31E.

The time frame for filing objections has elapsed and no other objections to the Findings and Conclusion have been filed. No other amendments to the Master's Report are needed.

Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report and its Recommendations with the above-referenced amendments.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service Via Electronic Mail:

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